IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.189 OF 2007

Farzand Ali (Chacha) ...Applicant.
V/s.
1. The Inspector of Police,
2. The State of Maharashtra ...Respondents.

Shri H.M.Pandey, adv. for the Applicant.
Smt.M.H.Mhatre, APP for the Respondents.

CORAM: J.H.BHATIA, J.
DATE : 20th February, 2007.

P.C.:

1. Heard Mr.Pande, the learned counsel for the applicant and Mrs.Mhatre, the learned APP for the respondents.

2. The applicant seeks anticipatory bail in Crime No.306 of 2006 registered at R.C.F. Police Station for the offence punishable under Section 379 of the I.P.C. According to the prosecution, various spare parts were stolen away from the premises of Hindustan Petroleum Corporation Limited and accordingly, the report was lodged on 5/12/2006 against unknown persons. During investigation, in all 10 persons were arrested. One of the accused made a statement before the police that he had sold 40 such pieces of wall tube hanger to the present applicant at his Shop No.10, Moon Star Building,

Gafoor Khan Estate, Kurla (West). Twice Police party visited that place but the shop was found closed therefore, search could not be taken. Thereafter, it was sealed. However on the application made by the wife of the present applicant, seal was removed and thereafter search was taken but no stolen property was found in the said premises. According to the prosecution, the applicant was not available since the time his name cropped out as a receiver of the stolen property. It is alleged that taking the benefit of delay in sealing the shop and then search, the applicant must have removed the stolen property. Value of 40 items of the stolen property is approximately Rs.1,85,000/-. It is contended that the custodial interrogation of the present applicant is necessary for the purpose of recovery of the stolen property and proper investigation.

3. The learned counsel for the applicant contended that the applicant is willing to co-operate with the police. However, it appears that the applicant is keeping away from the police for a long period. He was granted interim protection by the Sessions Court but the application for anticipatory bail came to be rejected. Interim protection was continued upto 18th January, 2007 thereafter, no such protection was available to him.

Though period of one month has passed thereafter, the present applicant could not be traced out indicating that he was absconding. On my enquiry about the business or occupation of the present applicant, the learned counsel for the applicant could not give any information about the same. Taking into consideration the fact that huge property worth Rs.26,37,722/- was stolen away from H.P.C.L. and out of that the present applicant has allegedly received property worth Rs.1,85,000/-, custodial interrogation of the present applicant appears to be necessary for the purpose of investigation.

4. For the aforesaid reasons, application stands rejected.

(J.H.Bhatia,J.)